

10/01/2020

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

**PLAINTIFFS**  
The Capital Markets Company, LLC

**DEFENDANTS**  
Isaac Halpern

**ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**

John Barry  
Weil, Gotshal & Manges LLP  
767 Fifth Avenue, New York, NY 10153

Tel: (212) 310-8000

**ATTORNEYS (IF KNOWN)**

David Wechsler  
Harris St. Laurent & Wechsler LLP  
40 Wall Street 53rd Floor, New York, New York 10005 Tel: (212) 847-7915

**CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)**

28 U.S.C. § 1332; action for breach of contract; action for declaratory judgment

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No  Yes  Judge Previously Assigned

If yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

**IS THIS AN INTERNATIONAL ARBITRATION CASE?**

No  Yes

(PLACE AN [x] IN ONE BOX ONLY)

### NATURE OF SUIT

		TORTS	ACTIONS UNDER STATUTES			
<b>CONTRACT</b>	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<b>FORFEITURE/PENALTY</b>	<b>BANKRUPTCY</b>	<b>OTHER STATUTES</b>	
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 367 HEALTHCARE/PHARMACEUTICAL PERSONAL	[ ] 625 DRUG RELATED	[ ] 422 APPEAL	[ ] 375 FALSE CLAIMS	
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT LIABILITY	[ ] 365 PERSONAL INJURY	SEIZURE OF PROPERTY	28 USC 158	[ ] 376 QUI TAM	
[ ] 130 MILLER ACT	[ ] 320 ASSAULT, LIBEL & SLANDER	[ ] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[ ] 690 OTHER	[ ] 423 WITHDRAWAL	[ ] 400 STATE REAPPORTIONMENT	
[ ] 140 NEGOTIABLE INSTRUMENT	[ ] 330 FEDERAL EMPLOYERS' LIABILITY			28 USC 157	[ ] 410 ANTITRUST	
[ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[ ] 340 MARINE PRODUCT LIABILITY				[ ] 430 BANKS & BANKING	
[ ] 151 MEDICARE ACT	[ ] 345 MARINE PRODUCT LIABILITY	<b>PERSONAL PROPERTY</b>	[ ] 820 COPYRIGHTS	[ ] 880 DEFEND TRADE SECRETS ACT	[ ] 450 COMMERCE	
[ ] 152 RECOVERY OF DEFANTED STUDENT LOANS (EXCL VETERANS)	[ ] 350 MOTOR VEHICLE PRODUCT LIABILITY	[ ] 370 OTHER FRAUD	[ ] 830 PATENT	[ ] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION	[ ] 460 DEPORTATION	
[ ] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[ ] 355 MOTOR VEHICLE PRODUCT LIABILITY	[ ] 371 TRUTH IN LENDING	[ ] 840 TRADEMARK		[ ] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)	
[ ] 160 STOCKHOLDERS SUITS					[ ] 480 CONSUMER CREDIT	
[x] 190 OTHER CONTRACT CONTRACT PRODUCT LIABILITY					[ ] 485 TELEPHONE CONSUMER PROTECTION ACT	
[ ] 195 FRANCHISE	<b>ACTIONS UNDER STATUTES</b>	<b>PRISONER PETITIONS</b>	<b>LABOR</b>	<b>SOCIAL SECURITY</b>		
	CIVIL RIGHTS	[ ] 463 ALIEN DETAINEE	[ ] 710 FAIR LABOR STANDARDS ACT	[ ] 861 HIA (1395ff)	[ ] 490 CABLE/SATELLITE TV	
		[ ] 510 MOTIONS TO VACATE SENTENCE	[ ] 720 LABOR/MGMT RELATIONS	[ ] 862 BLACK LUNG (923)	[ ] 850 SECURITIES/COMMODITIES/EXCHANGE	
		28 USC 2255	[ ] 740 RAILWAY LABOR ACT	[ ] 863 DIWC/DIWV (405(g))	[ ] 890 OTHER STATUTORY ACTIONS	
		[ ] 530 HABEAS CORPUS	[ ] 751 FAMILY MEDICAL LEAVE ACT (FMLA)	[ ] 864 SSID TITLE XVI	[ ] 891 AGRICULTURAL ACTS	
		[ ] 535 DEATH PENALTY	[ ] 790 OTHER LABOR LITIGATION	[ ] 865 RSI (405(g))	[ ] 893 ENVIRONMENTAL MATTERS	
		[ ] 540 MANDAMUS & OTHER	[ ] 791 EMPL RET INC SECURITY ACT (ERISA)	[ ] 870 TAXES (U.S. Plaintiff or Defendant)	[ ] 895 FREEDOM OF INFORMATION ACT	
<b>REAL PROPERTY</b>				[ ] 871 IRS-THIRD PARTY	[ ] 896 ARBITRATION	
[ ] 210 LAND CONDEMNATION	[ ] 441 VOTING	<b>IMMIGRATION</b>		26 USC 7609	[ ] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION	
[ ] 220 FORECLOSURE	[ ] 442 EMPLOYMENT	<b>PRISONER CIVIL RIGHTS</b>	[ ] 462 NATURALIZATION		[ ] 950 CONSTITUTIONALITY OF STATE STATUTES	
[ ] 230 RENT LEASE & EJECTMENT	[ ] 443 HOUSING/ACCOMMODATIONS	[ ] 550 CIVIL RIGHTS	APPLICATION			
[ ] 240 TORTS TO LAND	[ ] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[ ] 555 PRISON CONDITION	[ ] 465 OTHER IMMIGRATION ACTIONS			
[ ] 245 TORT PRODUCT LIABILITY	[ ] 446 AMERICANS WITH DISABILITIES - OTHER	[ ] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT				
[ ] 290 ALL OTHER REAL PROPERTY	[ ] 448 EDUCATION					

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.  
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?

IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint  
JURY DEMAND:  YES  NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation (Transferred)	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
			<input type="checkbox"/> 8 Multidistrict Litigation (Direct File)			
<input type="checkbox"/> a. all parties represented						
<input type="checkbox"/> b. At least one party is pro se.						

(PLACE AN X IN ONE BOX ONLY)

1 U.S. PLAINTIFF     2 U.S. DEFENDANT     3 FEDERAL QUESTION     4 DIVERSITY  
(U.S. NOT A PARTY)

**IF DIVERSITY, INDICATE CITIZENSHIP BELOW.****CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[X] 1	[ ] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[ ] 3	[ ] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[ ] 5	[ ] 5
CITIZEN OF ANOTHER STATE	[ ] 2	[X] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4	[ ] 4	FOREIGN NATION	[ ] 6	[ ] 6

**PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)**

The Capital Markets Company, LLC  
77 Water Street  
10th Floor  
New York, NY 10005  
(New York County)

+

**DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)**

Isaac Halpern  
1904 Woodgate Lane  
McLean, Virginia 22101  
(Fairfax County)

**DEFENDANT(S) ADDRESS UNKNOWN**

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

**COURTHOUSE ASSIGNMENT**

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one:    THIS ACTION SHOULD BE ASSIGNED TO:     WHITE PLAINS     MANHATTAN

/s/ John P. Barry

DATE 09/08/2022

SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO

[X] YES (DATE ADMITTED Mo.08 Yr. 2022)  
Attorney Bar Code # JB6489

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)